

**DISTRICT OF COLUMBIA
DOH OFFICE OF ADJUDICATION AND HEARINGS**

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

IVAN G. TZANOV,
dba ITC

Respondent

Case No.: I-00-11292

FINAL ORDER

I. Introduction

On April 30, 2002, the Government served a Notice of Infraction upon Respondent Ivan G. Tzanov, dba ITC, alleging a violation of 20 DCMR 900.1.¹ That section prohibits, with certain exceptions, motor vehicles from idling their engines for more than three minutes while parked, stopped or standing. The Notice of Infraction alleged that the violation occurred in the 300 block of Morse Street, N.E., on April 29, 2002, and sought a fine of \$500. Respondent filed a timely answer with a plea of Admit with Explanation.² On May 31, 2002, I issued an order

¹ The Notice of Infraction identifies the Respondent as “ITC (Ivan G. Tzanov).” The Department of Transportation information sheet filed with the Notice of Infraction, however, lists the owner of the truck in question as Ivan G. Tzanov and states that his “DBA Name,” *i.e.*, the name under which he is doing business, is ITC. The caption, therefore, has been amended to refer to Mr. Tzanov as the Respondent and to list ITC as the name of his business.

² The answer was filed by Norayr Zokhrabian, who identifies himself as a truck driver for Respondent. Based upon his statement and Respondent’s likely transmittal of the Notice of Infraction to him, I find by the preponderance of the evidence that Respondent consented to Mr. Zokhrabian’s filing of the answer on his behalf, and I conclude that Mr. Zokhrabian has actual or apparent authority to act for Respondent in this proceeding. *See DOH v. Bloch & Guggenheimer, Inc.*, OAH No. I-00-10439 at 1, n.1 (Final Order, April 18, 2001). In view of the employment

permitting the Government to respond within 14 days. The Government has elected not to file any response.

II. Summary of the Evidence

Respondent's driver admits that his truck idled its engine for more than three minutes while parked, as alleged in the Notice of Infraction. The driver states that he was waiting to make a delivery and was unaware of the regulation. He also states that there were no signs informing him of the regulation.

III. Findings of Fact

Respondent's plea of Admit with Explanation establishes that his truck idled its engine for more than three minutes while parked in the 300 block of Morse Street, N.E., on April 29, 2002. Respondent has accepted responsibility for the violation and there is no evidence in the record that Respondent has a history of prior violations.

IV. Conclusions of Law

By idling the engine of a truck for more than three minutes while parked, Respondent violated 20 DCMR 900.1. The authorized fine for that violation is \$500 for a first offense. *See* 16 DCMR 3224.3(aaa), as added by the Motor Vehicle Excessive Idling Fine Increase Amendment Act of 1999, D.C. Law 13-35 (Effective October 7, 1999); 46 D.C. Reg. 8699 (October 29, 1999); 46 D.C. Reg. 6017 (July 23, 1999). Respondent's claim that the driver was unaware of the regulation does not warrant a reduction or suspension of the fine. "Persons

relationship between Mr. Tzanov and Mr. Zokhrabian, I will permit Mr. Zokhrabian to act for Mr. Tzanov in this matter. *See DOH v. Valira Limited Partnership*, OAH No. I-00-20388 at 2 n. 1 (Final Order, June 12, 2002) and cases cited therein.

conducting business in the District of Columbia are expected to be aware of, and to comply with, laws regulating their business.” *DOH v. VIP Adventures Seniors Unlimited, Inc.*, OAH No. I-00-11215 at 2 (Final Order, June 5, 2002), citing *DOH v. Bigbee Steel and Tank Co.*, OAH No. I-00-11217 at 3-4 (Final Order, May 16, 2002); *DOH v. Bloch & Guggenheimer, Inc.*, OAH No. I-00-10439 at 3-4 (Final Order, April 18, 2001). Respondent, however, has acknowledged responsibility for the violation and there is no evidence of a history of violations. Consequently, the fine will be reduced to \$350.

V. Order

Based upon the foregoing findings of fact and conclusions of law, it is, this _____ day of _____, 2002:

ORDERED, that Respondent shall pay a total of **THREE HUNDRED FIFTY DOLLARS (\$350)** in accordance with the attached instructions within twenty (20) calendar days of the mailing date of this Order (15 days plus 5 days service time pursuant to D.C. Official Code §§ 2-1802.04 and 2-1802.05); and it is further

ORDERED, that if Respondent fails to pay the above amount in full within twenty (20) calendar days of the date of mailing of this Order, interest shall accrue on the unpaid amount at the rate of 1½ % per month or portion thereof, starting from the date of this Order, pursuant to D.C. Code Official Code § 2-1802.03 (i)(1); and it is further

ORDERED, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent’s licenses or permits pursuant to D.C. Official Code

§ 2-1802.03(f), the placement of a lien on real and personal property owned by Respondent pursuant to D.C. Official Code § 2-1802.03(i) and the sealing of Respondent's business premises or work sites pursuant to D.C. Official Code § 2-1801.03(b)(7).

/s/ **06/19/02**

John P. Dean
Administrative Judge